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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

MICHEL KECK,

Plaintiff,

v.

MIX CREATIVE LEARNING  
CENTER, LLC; JACQUELINE P.  
KENNEALLY and DOES 1 through  
10 inclusive,

Defendants.

Case No. 4:21-cv-00430

**DECLARATION OF MICHEL  
KECK**

**DECLARATION OF MICHEL KECK**

I, Michel Keck, declare as follows:

1. I am over the age of 18 years old. I have personal knowledge of all matters stated herein, and if called as a witness, I could and would competently testify thereto.
2. I am a professional artist by trade.
3. I offer my works for sale via my online gallery.
4. My corporate projects have included working with many of Nordstrom's Department stores across the U.S. to create original mixed media pieces for their Savvy Departments, and creating mixed media pieces for national restaurant chain Bar Louie.
5. In addition to creating artwork, I also sell various pieces of merchandise featuring my original mixed media designs.

6. One of my most popular collections is my Dog Art series comprising mixed media collage style paintings of various dog breeds.

7. I am the sole creator and exclusive rights holder to 6 works, including a Bulldog (“Bulldog Work”), a Labrador (“Labrador Work”), a Snorkie (“Snorkie Work”), a Shih Tzu (“Shih Tzu Work”), a Great Dane (“Great Dane Work”) and a German Shepard (“German Shepard Work”), (collectively the “Works”).

8. True and correct copies of the Works are attached hereto as Exhibit A.

9. I have registered the Works with the United States Copyright Office.

10. The Bulldog Work, Labrador Work, Shih Tzu Work, and German Shepard Work were registered under registration VA 1-814-036 with an effective registration date of March 26, 2012.

11. Attached hereto as Exhibit B is a true and correct copy of registration VA 1-814-036 and the accompanying deposit materials.

12. The Great Dane Work is registered under registration VA 2-041-480 with an effective registration date of October 29, 2016.

13. Attached hereto as Exhibit C is a true and correct copy of registration VA 2-041-480 and the accompanying deposit materials.

14. The Snorkie Work is registered under registration VA 2-104-131 with an effective registration date of May 23, 2018.

15. Attached hereto as Exhibit D is a true and correct copy of registration VA 2-104-131 and the accompanying deposit materials.

16. In addition to my protectable copyright interest in the Works, I have also registered the word mark “Michel Keck” with the United States Patent and Trademark Office under registration number 5280022 (“Trademark”).

17. Attached hereto as Exhibit E is a true and correct copy of the registration obtained from the USPTO website.

18. I utilize the Trademark in connection with both my artwork as well as the various merchandise and other products that I sell.

19. In November 2020, I discovered that Defendants were selling a product using the Trademark titled “Michel Keck inspired dog masterpiece kit” for

\$40.00 via the Artmix website (“Artmix Kit”).

20. A true and correct copy of the advertisement for the Artmix Kit is attached hereto as Exhibit F.

21. I subsequently purchased an Artmix Kit, which was sent by to Indiana.

22. Upon receiving the Artmix Kit in the mail, I discovered that it included unauthorized copies of my Works.

23. Attached hereto as Exhibit G are true and correct pictures of the contents of the Artmix Kit that was purchased by me.

24. I never authorized Defendants to use the Trademark to sell the Artmix Kits, nor did I authorize Defendants to include copies of my Works in the Artmix Kits.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 14, 2022 at Wheatfield, Indiana.



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Michel Keck

# **Exhibit “A”**













# **Exhibit “B”**

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

A handwritten signature in black ink that reads "Maria A. Pallante".

Register of Copyrights, United States of America

Registration Number  
**VA 1-814-036**

Effective date of  
registration:  
March 26, 2012

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**Title**

**Title of Work:** Dog Collage Series, Volume I

**Contents Titles:** German Shepherd I  
German Shepherd II  
Labrador I  
Labrador II  
Short Hair Chihuahua  
Long Hair Chihuahua  
Doberman  
Dachshund  
Pug  
Boxer  
Airedale  
Jack Russell Terrier  
Boston Terrier  
Scottish Terrier  
West Highland Terrier  
Greyhound  
Shih Tzu  
Golden Retriever  
Bulldog  
Border Collie  
Maltese

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**Completion/Publication**

**Year of Completion:** 2008

**Date of 1st Publication:** November 18, 2008

**Nation of 1st Publication:** United States

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**Author**



## COPY OF DEPOSIT

VA 1-814-036

(SR 1-743548671)

NOTE: Deposits submitted electronically bear no identifying marks

NOTE ALSO: The attached color photocopies are the best possible electrostatic positive prints available.



Defendant 00046





Defendant 00048



Defendant 00049



Defendant 00050





Defendant 00052



Defendant 00053



Defendant 00054



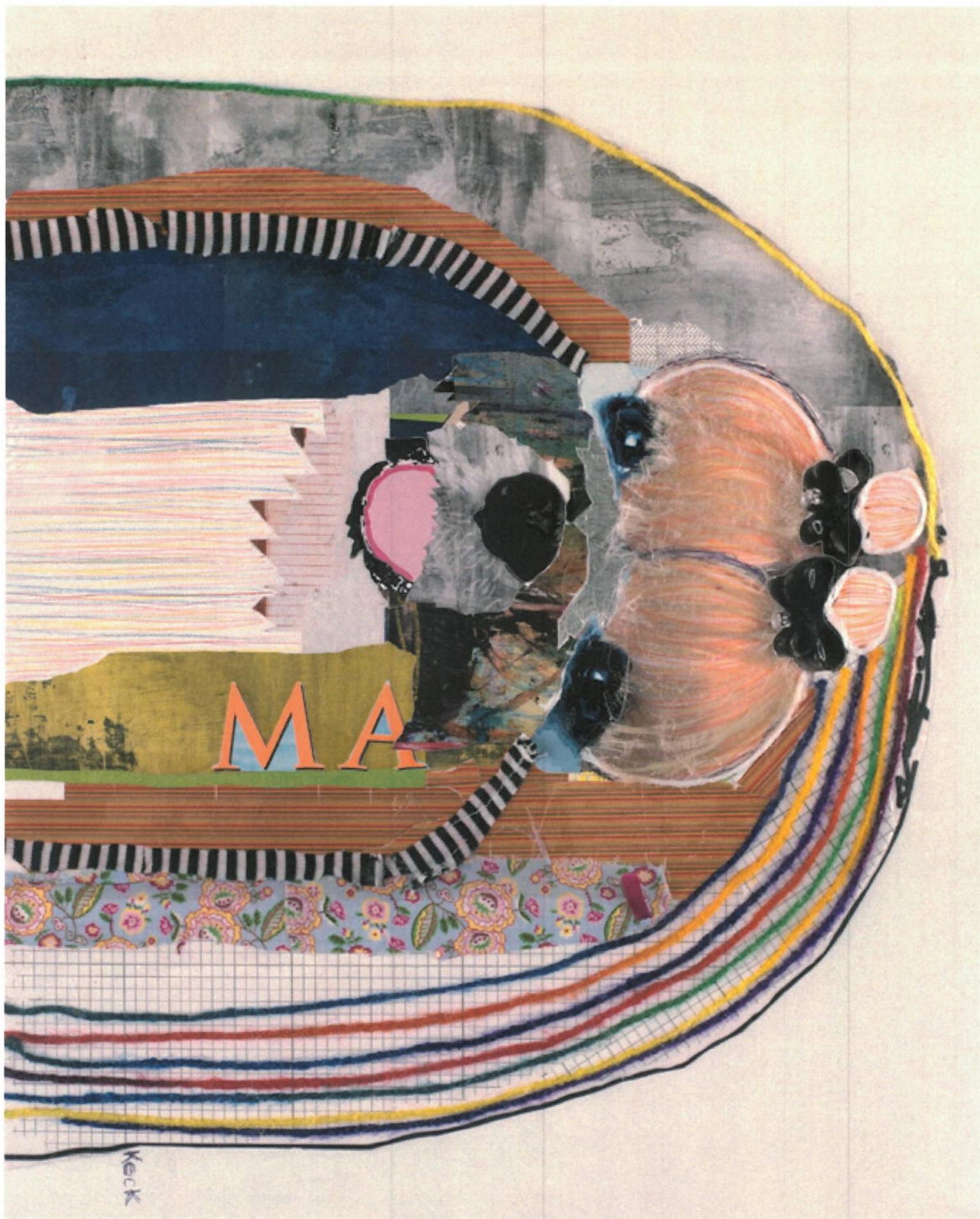
Defendant 00055



Defendant 00056



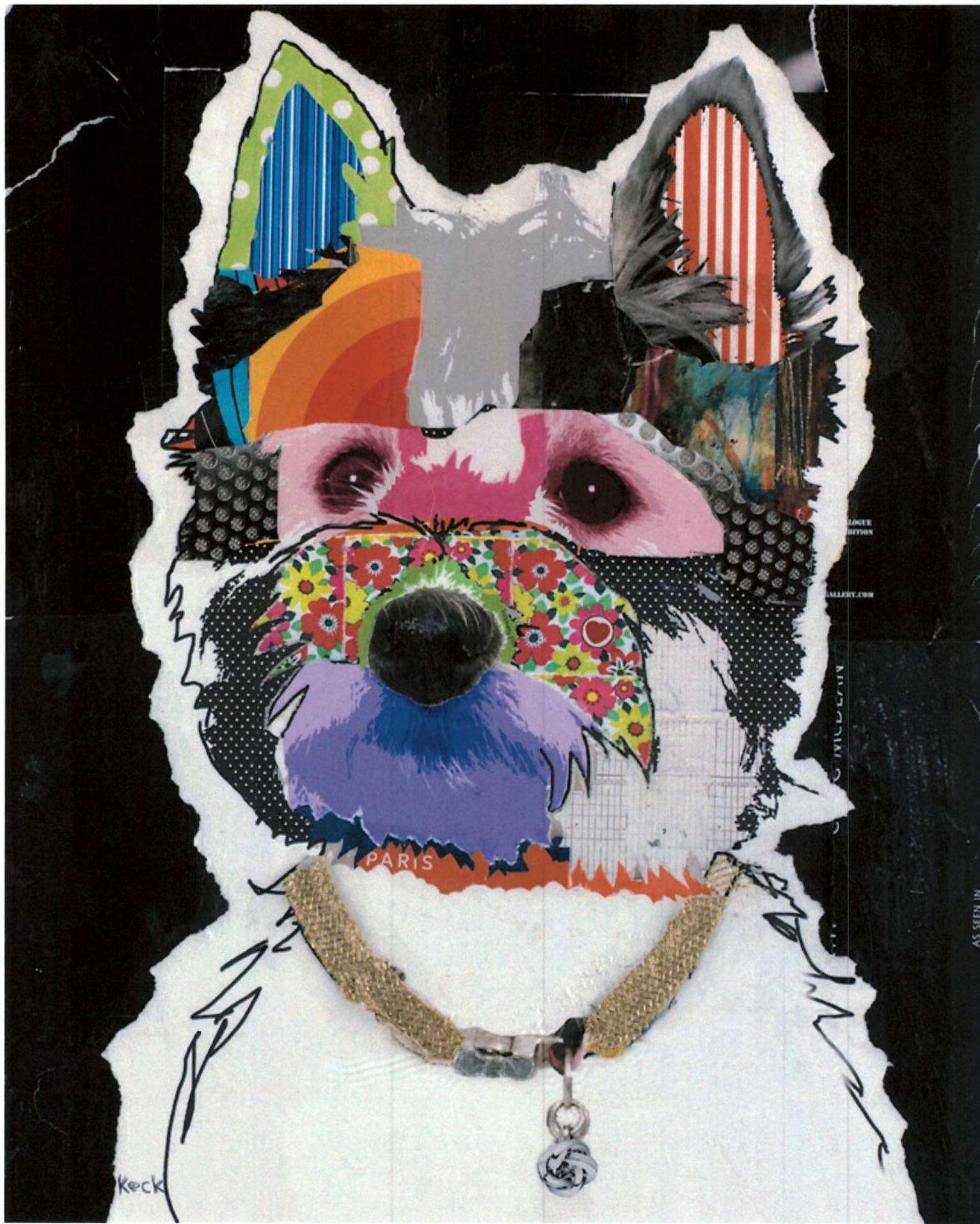
Defendant 00057



Defendant 00058



Defendant 00059



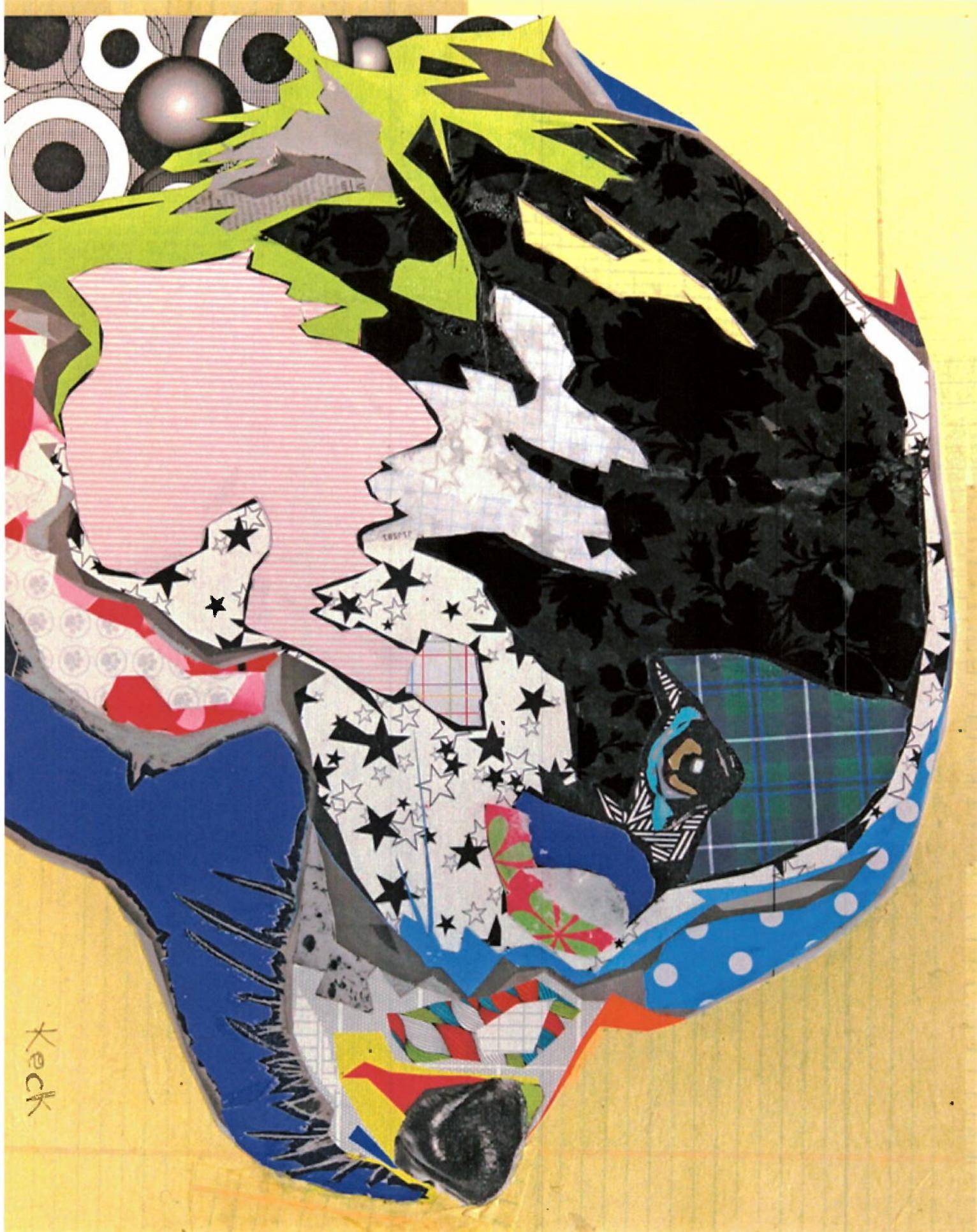
Defendant 00060



Defendant 00061



Defendant 00062



Defendant 00063



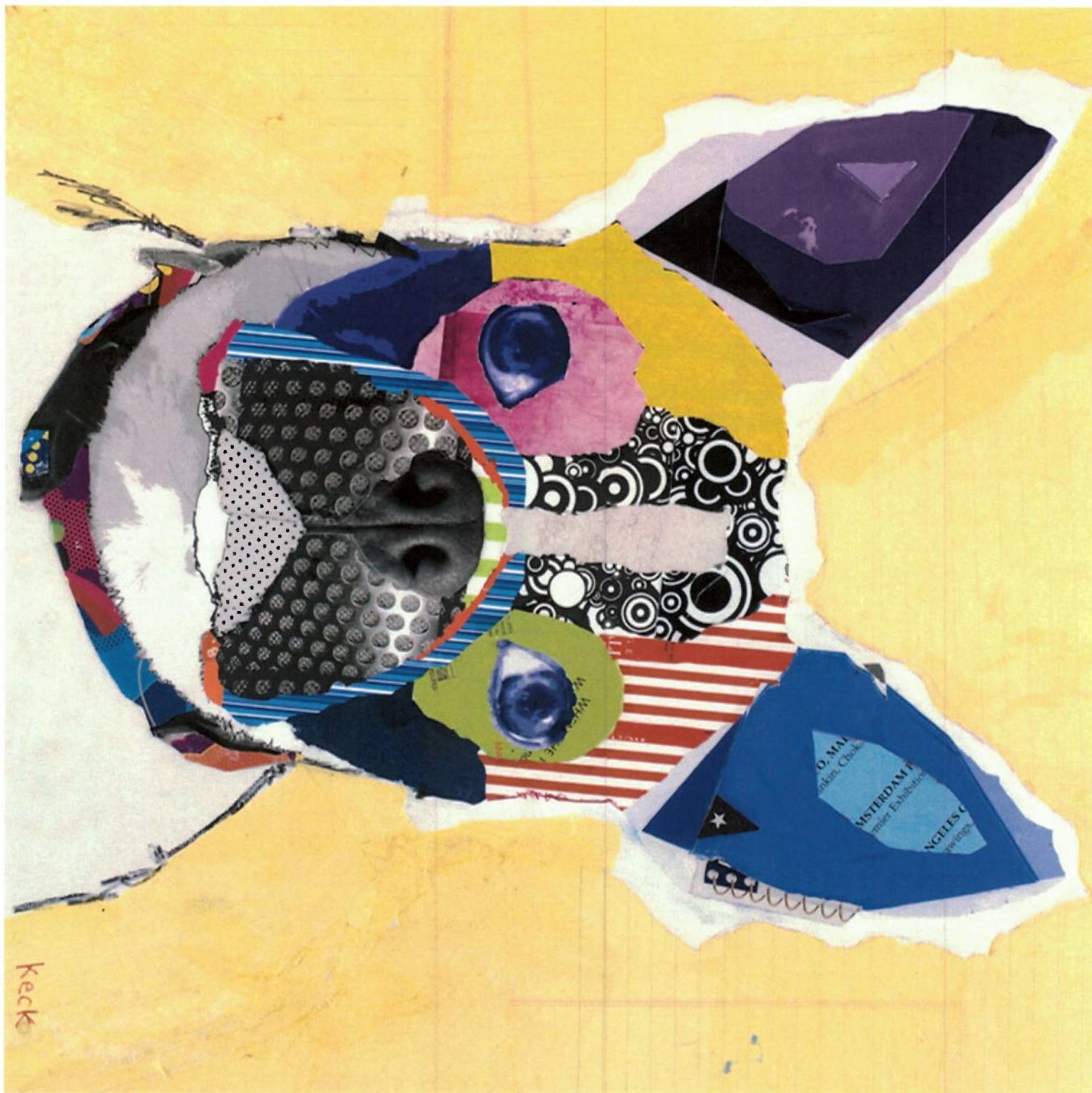
Defendant 00064



Defendant 00065



Defendant 00066



Keck

Defendant 00067

# **Exhibit “C”**

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

## Registration Number

**VA 2-041-480**

## Effective Date of Registration:

October 29, 2016

## Title

**Title of Work:** Great Dane #031302

## Completion/Publication

**Year of Completion:** 2013  
**Date of 1st Publication:** March 12, 2013  
**Nation of 1<sup>st</sup> Publication:** United States

## Author

- **Author:** michel leah keck  
**Author Created:** 2-D artwork  
**Citizen of:** United States

## Copyright Claimant

**Copyright Claimant:** michel leah keck  
13855 bond road, Coal City, IN, 47427, United States

## Rights and Permissions

**Organization Name:** keck fine art  
**Name:** michel leah keck  
**Email:** michel@keckfineart.com  
**Telephone:** (812)859-4191  
**Alt. Telephone:** (812)859-4191  
**Address:** 13855 bond road  
coal city, IN 47427 United States

## Certification

**Name:** michel keck  
**Date:** October 29, 2016



## COPY OF DEPOSIT

VA 2-041-480

(SR 1-4123139536)

NOTE: Deposits submitted electronically bear no identifying marks

NOTE ALSO: The attached color photocopy is the best possible electrostatic positive print available.



Defendant 00069

# **Exhibit “D”**

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

Registration Number

**VA 2-104-131**

Effective Date of Registration:

May 23, 2018

## Copyright Registration for One Work by One Author

Registration issued pursuant to 37 CFR §202.3

### Title

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Title of Work: #011701 Snorkie

### Completion/Publication

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Year of Completion: 2017  
 Date of 1st Publication: January 06, 2017  
 Nation of 1<sup>st</sup> Publication: United States

### Author

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- Author: Michel leah Keck
- Author Created: Artwork
- Citizen of: United States
- Domiciled in: United States

### Copyright Claimant

---

Copyright Claimant: Michel leah Keck  
 13855 Bond Rd, Coal City, IN, 47427, United States

### Rights and Permissions

---

Organization Name: Keck Fine Art  
 Name: Michel leah Keck  
 Email: michel@keckfineart.com  
 Telephone: (812)859-4191  
 Address: 13855 Bond Rd  
 Coal City, IN 47427 United States

### Certification

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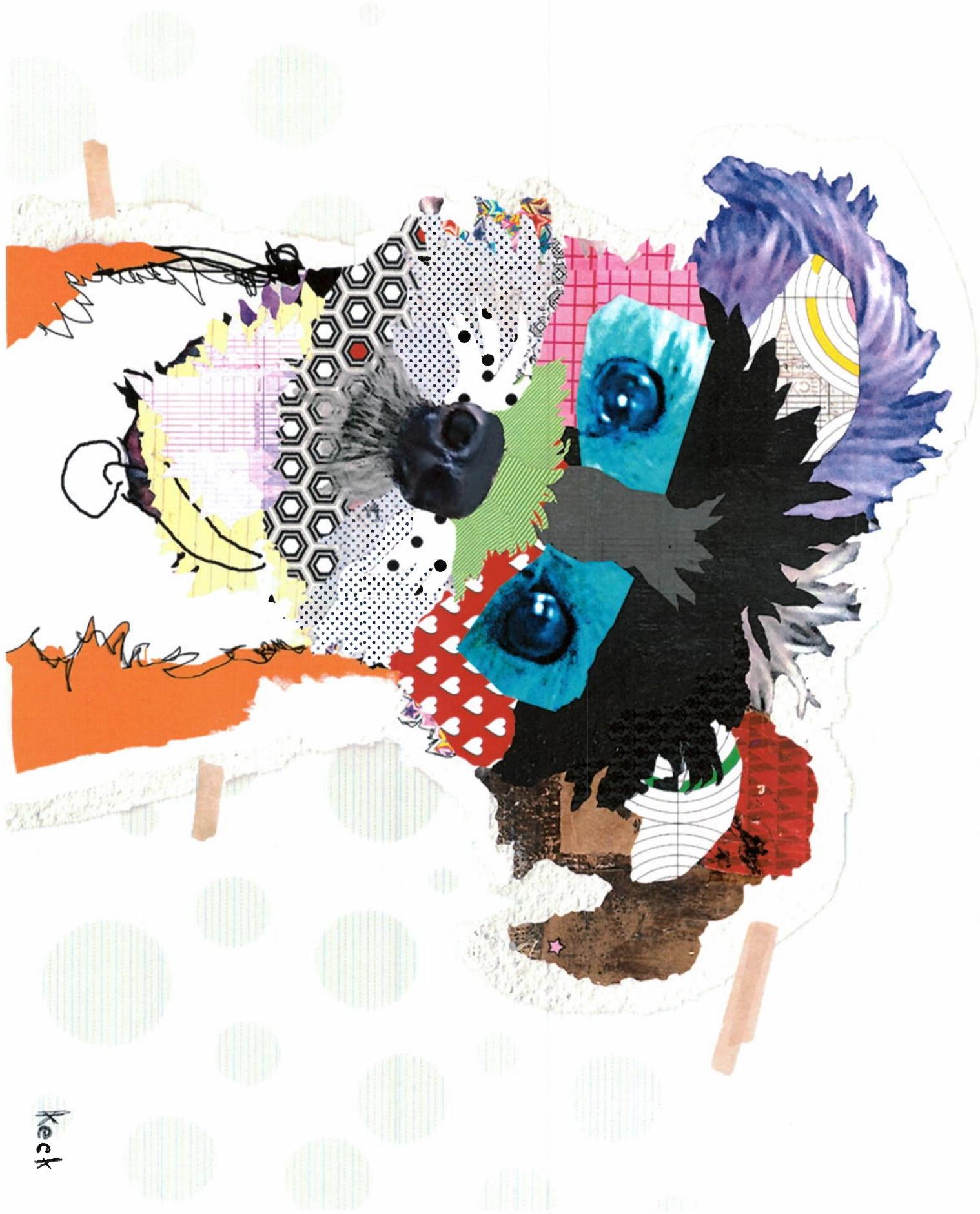
## COPY OF DEPOSIT

VA 2-104-131

(SR 1-6611583666)

NOTE: Deposits submitted electronically bear no identifying marks

NOTE ALSO: The attached color photocopy is the best possible electrostatic positive print available.



Defendant 00044

# **Exhibit “E”**



United States Patent and Trademark Office

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## Trademarks > Trademark Electronic Search System (TESS)

*TESS was last updated on Wed Oct 12 03:17:23 EDT 2022*[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)*

# Michel Keck

<b>Word Mark</b>	MICHEL KECK
<b>Goods and Services</b>	IC 016. US 002 005 022 023 029 037 038 050. G & S: Art pictures; Art pictures on canvas; Art prints; Art prints on canvas; Original art pictures on canvas; Paintings. FIRST USE: 19990105. FIRST USE IN COMMERCE: 20030405
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	87287729
<b>Filing Date</b>	January 3, 2017
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 20, 2017
<b>Registration Number</b>	5280022
<b>Registration Date</b>	September 5, 2017
<b>Owner</b>	(REGISTRANT) KECK, MICHEL DBA Keck Fine Art INDIVIDUAL UNITED STATES 13855 Bond Road Coal City INDIANA 47427
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Other Data</b>	The name "Michel Keck" identifies a living individual whose consent is of record.
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)



# **Exhibit “F”**



## michel keck inspired dog masterpiece kit

\$40.00

Style

michel keck cat, in-studio

[ADD TO CART](#)

this artmix to-go kit includes everything artists need to make a mixed media masterpiece of their favorite pet inspire by michel keck!

this is a very fun project to make at a birthday party for tweens & teens!

join us in our studio to paint & create with us, or in our zoom studio for teacher-led instruction. please make your reservation to come into the studio or to join us in our zoom studio: [register today!](#)

our zoom studio meeting id will be provided upon purchase. we look forward to creating with you soon!

[SHARE](#)  [TWEET](#)  [PIN IT](#)

### YOU MAY ALSO LIKE



**landscape of ireland**  
masterpiece kit: artists ages 7-10 to tweens & teens  
\$45.00



**george rodrigue inspired winter blue dog masterpiece kit:** tweens to adults  
\$45.00



**pete cromer inspired penguin masterpiece kit**  
\$45.00



**simon bull inspired music masterpiece kit:** artists of 7-10, tweens to teens  
\$45.00

[← BACK TO WELCOME TO THE ARTMIX SHOP!](#)

#### address

2522 times boulevard  
houston, texas 77005

#### contact

[contact@artmixlearning.com](mailto:contact@artmixlearning.com)  
713.552.9028

#### Newsletter

Email address

[SUBSCRIBE](#)





# **Exhibit “G”**

# Thank You!

artmix to go



thank you for your purchase from the artmix shop!

we would love to see you in our zoom studio to make your masterpiece together with our creative team.

our meeting id is: 778 525 6437

please email us or visit our website [www.artmix.studio](http://www.artmix.studio) to schedule a zoom time that fits your schedule!

please let us know if you have any questions or need any help at anytime, [contact@artmixlearning.com](mailto:contact@artmixlearning.com)

we hope you enjoy making your masterpiece!

many thanks,

the artmix team



@artmixcreativestudio

[www.artmix.studio](http://www.artmix.studio)



